

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AIJALON WALLACE MCLITTLE,)	
)	
Plaintiff,)	Civil Case No. 03-1187-AS
)	
vs.)	ORDER
)	
ERIC DUNCAN, et al.,)	
)	
Defendants.)	

Aijalon Wallace McLittle, II
21050-039
FCI Waseca
P.O. Box 1731
Waseca, MN 56093

Pro Se Plaintiff

Karin J. Immergut
United States Attorney
District of Oregon
Ronald K. Silver
Assistant United States Attorney
1000 S.W. Third Avenue, Suite 600
Portland, Oregon 97204-2902

Attorneys for Defendant

KING, Judge:

The Honorable Donald Ashmanskas, United States Magistrate Judge, issued Findings and Recommendation on February 7, 2007. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). After a number of extensions of time, plaintiff filed objections to the Findings and Recommendation.

When either party objects to any portion of the Magistrate's opinion, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in plaintiff's objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Magistrate Judge Ashmanskas's Findings and Recommendation (#97). IT IS HEREBY ORDERED that defendants' Motion for Summary Judgment (#52) is GRANTED, and plaintiff's Motion for Preliminary Injunction (#10) is DENIED.

Dated this _____ 18th _____ day of April, 2007.

/s/ Garr M. King
Garr M. King
United States District Judge